

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**STEVE MONTANO,**

**Plaintiff/Counter-defendant,**

**v.**

**No. 13-cv-1149 KBM/SMV**

**GEORGE GARY DUNCAN,**

**Defendant/Counterclaimant.**

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court sua sponte. On April 29, 2014, the Court entered an Initial Scheduling Order [Doc. 29] (“ISO”) setting a telephonic Rule 16 scheduling conference for June 25, 2014, at 9:30 a.m. [Doc. 9]. Although Plaintiff’s counsel appeared for the status conference, no one appeared for Defendant George Gary Duncan. [Doc. 34].

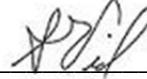
The CM/ECF receipt indicates that the Initial Scheduling Order was delivered via fax to Defendant, who appears in this case pro se. Defendant appears to have received the ISO because he completed his portion of the Joint Status Report and Provisional Discovery Plan as required by the ISO. *See* [Doc. 31]. Furthermore, Defendant has previously appeared at other telephonic hearings and appears to have received other orders setting hearings in this case. *See* [Doc. 28].

At the Rule 16 scheduling conference, Plaintiff’s counsel informed the Court that Defendant had not completed his initial disclosures in accordance with the Court’s ISO. Nothing on the Court’s docket indicates that Defendant has completed his initial disclosures as required.

**IT IS THEREFORE ORDERED** that no later than July 7, 2014, Defendant George Gary Duncan shall show cause why he should not be sanctioned for his absence at the

June 25, 2014 scheduling conference, and for his failure to provide initial disclosures in accordance with the Court's Initial Scheduling Order.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
United States Magistrate Judge